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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/997,622	12/23/1997	WILLIAM E. SALZER	SC10321C	1557

7590 05/13/2004

VINCENT B INGRASSIA
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INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 10219 SUITE R3108
SCOTTSDALE, AZ 852710219

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL 29 2004

Technology Center 2100

Office Action Summary

Application No.

08/997,622

Applicant(s)

SALZER ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☐ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 4 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo (6,157,625).

Claims 1, 3 and 4 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (6,157,625).

Regarding claim 1, Kondo discloses a HDD 12 (fig 6) having a first input TA for receiving and storing a data stream, a first memory A1 FIFO (13AA) coupled to the output of HDD 12, and a second memory circuit A2 FIFO (13AB) having an input coupled to the output of the buffer storage circuit for receiving a second section of the data stream wherein the first and second sections of the data stream are representative of different channels of an audio signal (col 8 lines 30-36). Kondo further discloses a switching means 14A having first and second inputs respectively coupled to the outputs of the first and second memory circuits for selecting between the first and second sections in response to a selection signal to provide an interleaved output

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signal at an output noting that the switching means meets the claimed multiplexer circuit limitation.

Kondo fails to disclose the HDD 12 is a buffer storage circuit. Official Notice is taken a buffer storage circuit is known to provide rapid input/output capabilities. Therefore, it would have been obvious to an artisan to modify the HDD of Kondo to a buffer storage circuit to provide rapid input/output capabilities.

Regarding claim 3, Kondo suggest using MPEG compression (see col 1 lines 5-10) but fails to disclose using MPEG-2 compression. It would have been obvious to one skilled in the art to modify Kondo to include MPEG-2 compression to provide higher quality audio compression characteristic of the MPEG-2 standard.

Regarding claims 4-5, Kondo fails to disclose wherein the first and second memory circuit includes a dual port memory for providing stored data at the output of the first and second memory circuit while receiving and storing data from the buffer storage circuit. The Examiner Takes Official Notice a dual port memory has concurrent reading out data and writing in data capability. For example, the references to Borth (4,852,090), Nogle et al (5,781,480) and Mason (4,694,426) disclose dual port memories provide concurrent read/write operations. In particular, Mason discloses a FIFO which functions like a dual port RAM (see col 4 lines 33-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kondo to include a dual port memory to enable concurrent reading and writing of data resulting in faster processing.

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Regarding claim 6, Kondo fails to disclose wherein the first memory circuit has a control input responsive to a first control signal for receiving first data from the buffer storage circuit after an amount of data stored in the first memory circuit falls below a predetermined value.

The Examiner takes Official Notice it is well known for a memory circuit to have a control input responsive to a control signal for receiving data after an amount of data stored in the first memory circuit falls below a predetermined value to monitor and control the level of data in the memory.

Allowable Subject Matter

Claims 7 and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15 – 17 are allowed.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.


The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

5/2/04

VS


VIVEK SRIVASTAVA
PRIMARY EXAMINER